



DEPT. OF COMMERCE  
AND CONSUMER AFFAIRS

2005 FEB 28 P 3 09

HEARINGS OFFICE

REAL ESTATE COMMISSION  
OFFICE OF ADMINISTRATIVE HEARINGS  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
STATE OF HAWAII


In the Matter of the	)	REC-LIC-2004-3
Application for a Real Estate	)	
Salesperson's License of	)	COMMISSION'S FINAL ORDER
	)	
DAVID W. DOMINICI,	)	
	)	
Petitioner.	)	
_____	)	

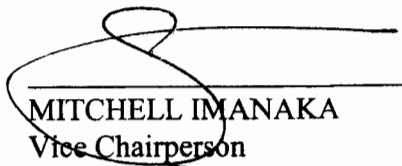
COMMISSION'S FINAL ORDER

On January 3, 2005, the duly appointed Hearings Officer submitted his Findings of Fact, Conclusions of Law, and Recommended Order in the above-captioned matter to the Real Estate Commission ("Commission"). Copies of the Hearings Officer's recommended decision were also transmitted to the parties. Although the parties were provided with the opportunity to file exceptions, no exceptions were filed.

Upon review of the entire record of these proceedings, the Commission adopts the Hearings Officer's recommended decision as the Commission's Final Order. Accordingly, the Commission finds and concludes that Petitioner David W. Dominici ("Petitioner") has not proven by a preponderance of the evidence that the Commission erred in denying his application, and as such, reaffirms its denial of Petitioner's application for a real estate salesperson's license.

DATED: Honolulu, Hawaii: February 25, 2005


  
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JOHN OHAMA  
Chairperson

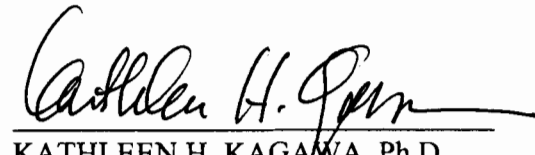
  
MITCHELL IMANAKA  
Vice Chairperson

  
CAROL MAE A. BALL  
Commission Member

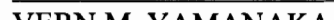
  
MICHELE SUNAHARA LOUDERMILK  
Commission Member

  
IRIS R. OKAWA  
Commission Member

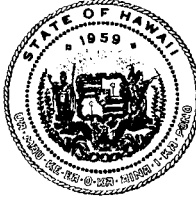
  
LOUIS E. ABRAMS  
Commission Member

  
KATHLEEN H. KAGAWA, Ph.D.  
Commission Member

  
TRUDY NISHIHARA  
Commission Member

  
VERN M. YAMANAKA  
Commission Member

Commission's Final Order; *In re David W. Dominici*; REC-LIC-2004-3.



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DEPT. OF COMMERCE  
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REAL ESTATE COMMISSION  
OFFICE OF ADMINISTRATIVE HEARINGS  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
STATE OF HAWAII

In the Matter of the	)	REC-LIC-2004-3
Application for a Real Estate	)	
Salesperson's License of	)	HEARINGS OFFICER'S
	)	FINDINGS OF FACT,
DAVID W. DOMINICI,	)	CONCLUSIONS OF LAW,
	)	AND RECOMMENDED
Petitioner.	)	ORDER GRANTING
	)	RESPONDENT'S MOTION
	)	TO DISMISS
	)	

HEARINGS OFFICER'S FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND RECOMMENDED  
ORDER GRANTING RESPONDENT'S MOTION TO DISMISS

I. INTRODUCTION

On or about July 26, 2004, David W. Dominici ("Petitioner"), requested an administrative hearing with the Real Estate Commission ("Commission"), to contest the denial of his application for a real estate salesperson's license. Petitioner's request for hearing was received by the Office of Administrative Hearings on July 27, 2004, and the matter was duly set for hearing. The notice of hearing and pre-hearing conference was transmitted to the parties.

On December 9, 2004, the hearing was conducted by the undersigned Hearings Officer, pursuant to Hawaii Revised Statutes (HRS), Chapters 91, 92 and 467. Petitioner was not present; nor was anyone present on his behalf. The Department of Commerce and Consumer Affairs ("Respondent") was represented by its attorney, Lei S. Fukumura, Esq.

At the commencement of the hearing, Respondent moved the Hearings Officer to dismiss this matter. Having reviewed and considered the motion, together with the entire record in this proceeding, the Hearings Officer hereby renders the following findings of fact, conclusions of law, and recommended order granting Respondent's motion to dismiss.

II. FINDINGS OF FACT

1. On or about July 26, 2004, Petitioner requested an administrative hearing with the Commission to contest the denial of his application for a real estate salesperson's license.

2. Petitioner's request for hearing was received by the Office of Administrative Hearings on July 27, 2004, and the matter was duly set for hearing.

3. Petitioner was served with the Notice of Hearing and Pre-Hearing Conference on August 11, 2004 and Notice of Rescheduled Hearing on October 21, 2004.

4. The hearing proceeded as scheduled on December 9, 2004.

5. Petitioner was not present; nor was anyone present on his behalf even though the hearing was delayed approximately 15 minutes to await the arrival of Petitioner.

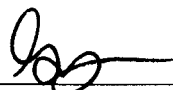
III. CONCLUSIONS OF LAW

Petitioner, as the party contesting the Commission's determination, has the burden of proving by a preponderance of the evidence that the Commission erred in denying his application. Neither Petitioner nor anyone on his behalf appeared at the hearing to present evidence to support this appeal. Accordingly, the Hearings Officer finds and concludes that Petitioner has not proven by a preponderance of the evidence that the Commission erred in denying his application.

IV. RECOMMENDED ORDER

For the reasons set forth above, the Hearings Officer recommends that the Commission reaffirm its denial of Petitioner's application for a real estate salesperson's license.

DATED: Honolulu, Hawaii: JAN 3 2005

  
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CRAIG H. UYEHARA  
Administrative Hearings Officer  
Department of Commerce  
and Consumer Affairs